

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia

Civil Division

RECEIVED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

APR 14 2022

KEVIN P. WEIMER, Clerk  
By: *SP* Deputy Clerk

CHRISTIAN MENDEZ

Case No.

1:22-CV-1445

(to be filled in by the Clerk's Office)

## Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial:  
(check one)☒

Yes

☐

No

EMORY HEALTHCARE, INC. DBA  
EMORY UNIVERSITY HOSPITAL

## Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Christian Mendez

Street Address

150 Hutchinson Street NE, Unit#708

City and County

Atlanta

State and Zip Code	GA 30307
Telephone Number	4438318301
E-mail Address	Christiankmendez81@gmail.com
<b>B. The Defendant(s)</b>	
Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title ( <i>if known</i> ). Attach additional pages if needed.	
Defendant No. 1	
Name	Emory Healthcare, Inc.
Job or Title ( <i>if known</i> )	c/o Amy Adelman, Agent for Service
Street Address	201 Dowman Drive, NE, 101 Administration Building
City and County	Atlanta
State and Zip Code	GA 30322
Telephone Number	404-727-0192
E-mail Address ( <i>if known</i> )	amy.adelman@emory.edu
Defendant No. 2	
Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	
Defendant No. 3	
Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	
Defendant No. 4	
Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	
<b>C. Place of Employment</b>	
The address at which I sought employment or was employed by the defendant(s) is	
Name	Emory University Hospital
Street Address	1364 E. Clifton Road NE
City and County	Atlanta
State and Zip Code	GA 30322
Telephone Number	

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):

<input checked="" type="checkbox"/>	Title VII of the Civil Rights Act of 1964, as codified, <u>42 U.S.C. §§ 2000e to 2000e-17</u> (race, color, gender, religion, national origin).
	(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)
<input type="checkbox"/>	Age Discrimination in Employment Act of 1967, as codified, <u>29 U.S.C. §§ 621 to 634</u> .
	(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)
<input type="checkbox"/>	Americans with Disabilities Act of 1990, as codified, <u>42 U.S.C. §§ 12112 to 12117</u> .
	(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)
<input type="checkbox"/>	Other federal law (specify the federal law):
	<b>Retaliation Under Title VII; Hostile Work Environment Under Title VII;</b>
<input checked="" type="checkbox"/>	Relevant state law (specify, if known):
	<b>Constructive Termination; Invasion of Privacy Intrusion on Seclusion; Public Disclosure of Private Life; Negligent Retention; Intentional Infliction of Emotional Distress</b>
<input checked="" type="checkbox"/>	Relevant city or county law (specify, if known):
	<b>City of Atlanta Ordinance Article V Fair Private Employment Sec. 94-112.</b>

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

<input type="checkbox"/>	Failure to hire me.
<input type="checkbox"/>	Termination of my employment.
<input type="checkbox"/>	Failure to promote me.
<input type="checkbox"/>	Failure to accommodate my disability.
<input type="checkbox"/>	Unequal terms and conditions of my employment.
<input checked="" type="checkbox"/>	Retaliation.
<input checked="" type="checkbox"/>	Other acts (specify): <b>Sexual orientation discrimination, remarks as well as retaliated actions.</b>

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B.

August 24, 2020 until December 2, 2021 (Continuing Action)

C. I believe that defendant(s) (check one):

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

- ☐ race
- ☐ color
- ☒ gender/sex
- ☐ religion
- ☐ national origin
- ☐ age (year of birth) (only when asserting a claim of age discrimination.)
- ☐ disability or perceived disability (specify disability)

E. The facts of my case are as follows. Attach additional pages if needed.

I began working at the Defendant, Emory University Hospital (over 500 employees) on February 19, 2018, as a Medical Technician. In or around August 24, 2020, I began complaining to Shanda Dubose, Human Resources Manager, that Nadine Watson, Charge Nurse, Nicole Blake, Ruby-Nell Whaley, Dawne McCannon and Joanne Joseph have subjected me to harassment, mistreatment, bullying and inappropriate comments made regarding my perceive sexual orientation (gay). Specifically, these individuals began referring to me "Christina" and "She" (a female pronoun) despite the fact that they are aware that my name is Christian and that I identify by Male, my sex at birth. I was assured by Ms. Dubose that an investigation would commence and that they took my complaints seriously.

Contrary to Ms. Dubose' representations to me, the conduct escalated and did not stop. I continued to complain via email, telephonically and in person to HR. Despite knowing the severe emotional distress this harassment caused me, members of the HR team, in their written and verbal communication with me, referred to me as "she" (a female pronoun) despite knowing or having good reason to know, that referring to me using a female pronoun caused me great embarrassment, pain and emotional distress. It is important to note that NO other male employee was referred to as a female pronouns except for me. The foregoing behavior was intended to cause me embarrassment, harass me, and force me to resign due to my actual and perceived sexual orientation.

After complaining regarding the unwelcome conduct, Ms. Watson, Ms. Dubose, and other managers began engaging in a course of retaliatory conduct. This conduct occurred in March 2021 and continued, without ceasing, until on or around December 2, 2021, when I was constructively discharged by the Defendant. The retaliatory conduct that they engaged in was (1) increasing my workload (2) attacking me during public and private meetings and (3) forcing me to perform the duties of other employees.

The aforementioned conduct was directly related to my continued complaints of discrimination and harassment (a protected activity). The conduct as described herein was so outrageous it altered the terms and conditions of employment and caused me severe emotional distress. In addition, the foregoing conduct violated the Defendant's policies and procedures, specifically, Sex and Gender-Based Harassment and Discrimination Policy, which states, "Emory University ("Emory" or the "University") is committed to maintaining an environment that is free of unlawful harassment and discrimination. Pursuant to Emory's commitment to a fair and open campus environment and in accordance with federal law, Emory cannot and will not tolerate discrimination against or harassment of any individual or group based upon race, color, religion, sex, ethnic or national origin, gender, genetic information, age, disability, sexual orientation, gender identity, gender expression veteran's status, or any factor that is a prohibited consideration under applicable law. Emory welcomes and promotes an open and genuinely diverse environment".

At no time during my employment, did I discuss my sexual orientation with management, but upon information and belief, they became aware of same, which, is why they began their targeted harassment of me. In referring to me as "Christina"

and/or "She" (a female pronoun), the Defendant violated my privacy and brought unwelcomed publicity to my private life. In addition, this conduct amounted to an invasion of my privacy, including, an intrusion upon seclusion into my private affairs. The Defendant knew or had good reason to know, that the aforementioned behavior was severe and pervasive enough to alter the terms and/or conditions of my employment, by placing me under ridicule, a false light, and severe emotional distress; so much so, that the environment became toxic to my mental health, forcing me to resign from a position that I quite enjoyed before the aforementioned conduct occurred.

The Defendant knew or had good reason to know that the aforementioned behavior violated Company Policy, Federal, State and Local laws, because I complained to a person in a position of authority, Human Resources, with the expectation that they would immediately investigate and take action against all parties involved. Instead of doing so, members of the HR team engaged in similar conduct, that is referring to me as "She" in their respective communications, and upon information and belief failed to investigate the substance of my complaint; nor did they interview witnesses; take corrective action. Instead, they were complicit in the conduct that resulted in my leaving my employment. The aforementioned conduct caused me to suffer economic and non-economic damages including lost earnings and benefits, lost opportunities for employment, pain and suffering, and emotional distress, for which Defendant is liable.

copy of  
the  
(Note: As additional support for the facts of your claim, you may attach to this complaint a  
your charge filed with the Equal Employment Opportunity Commission, or the charge filed with  
relevant state or city human rights division.)

#### IV. Exhaustion of Federal Administrative Remedies

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

12-02-2021

B. The Equal Employment Opportunity Commission (check one):

<input type="checkbox"/>	has not issued a Notice of Right to Sue letter.
<input checked="" type="checkbox"/>	issued a Notice of Right to Sue letter, which I received on (date) 1/14/2022

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Commission Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

<input type="checkbox"/>	60 days or more have elapsed.
<input type="checkbox"/>	less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

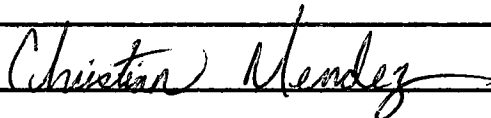
1. I would like a jury trial on all issues;
2. Enter judgment against the defendant, on all matters, for an amount greater than \$100,000;
3. Award me compensatory and punitive damages;
4. Award me back pay and front pay;
5. Restore me to my position;
6. Any other relief that I may be entitled to.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

signing:	Date of	04-1-2022	
Signature of Plaintiff			
Plaintiff	Printed Name of	Christian Mendez (Pro-Se)	

**B. For Attorneys**

signing:	Date of		
Signature of Attorney			
Attorney	Printed Name of		
	Bar Number		
	Name of Law Firm		
	Street Address		
	State and Zip Code		
	Telephone Number		
	E-mail Address		



EEOC Form 161 (11/2020)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Christian Mendez**  
**150 Hutchinson Street NE**  
**Unit# 708**  
**Atlanta, GA 30307**

From: **Atlanta District Office**  
**100 Alabama Street, S.W.**  
**Suite 4R30**  
**Atlanta, GA 30303**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

410-2021-06105

**Samantha Y. McKinney,**  
**Investigator**

(470) 531-4788

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

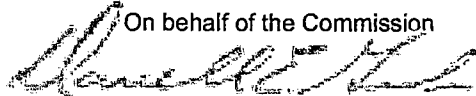
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



**Darrell E. Graham,**  
**District Director**

**January 14, 2022**

(Date Issued)

Enclosures(s)

cc:

**Toni J. Read**  
**Partner**  
**LEWIS BRISBOIS BISGAARD & SMITH LLP**  
**600 Peachtree St Ne**  
**Ste 4700**  
**Atlanta, GA 30308**

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- *not* 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**



Enclosures(s)

cc: